DATE _____7/11/2017_____

LOCATION __Sherman__

JUDGE ___Christine A. Nowak___

DEPUTY CLERK __Keary Conrad__

COURT REPORTER: Digital Recording

INTERPRETER: NOT REQUIRED

BEGIN: 11:41am / 12:01pm

CASE NUMBER 4:17CR118 - MAC/CAN

USA   Heather Rattan _____ Assigned

vs   Kenneth McGuirk _____ Appeared

HOWARD GREGG DIAMOND

Defendant

DENISE BENSON (standby)

Attorney

FILED

JUL 11 2017

Clerk, U.S. District Court

Texas Eastern Court

☑ **INITIAL APPEARANCE**   ☑ **ARRAIGNMENT**   ☐ **DETENTION HEARING**

☑ Hearing Held   ☑ Hearing Called   ☑ Defendant Sworn   ☐ Interpreter Required

☑ Dft appears: ☐ with ☑ without counsel   ☐ pro se   ☐ Counsel appears on behalf of defendant
   Appears on: ☐ Complaint ☑ Indictment

☑ Date of arrest: 7/11/2017 _____ (Other district court & case #) _____

☐ Dft   ☑ advised of charges   ☑ advised of maximum penalties   ☐ Advised of right to remain silent;
         ☑ advised of right to counsel   ☑ received copy of indictment
         ☐ received copy of complaint

☑ Dft first appearance with counsel ☐ CJA appointed ☐ Retained ☑ Federal Public Defender appointed
   DENISE BENSON

✓ Attorney Appointment hearing held to determine qualification for counsel

☐ Defendant advises the Court that he/she ☐ has counsel who is _____ or, ☐ will hire counsel.

☐ If dft cannot retain counsel, the court is to be advised within _____ days so counsel may be appointed.

☑ Defendant requests appointed counsel, is sworn & examined re: financial status.

☑ Financial affidavit executed by dft. The court finds the defendant ☐ able ☑ unable to employ counsel.

☑ _____ appointed   US Public Defender appointed DENISE BENSON

☑ Govt motion for detention ☑ Govt oral motion for continuance   ☐ Oral Order granting ☐ Oral Order denying

☐ Defendant oral motion to continue preliminary and detention hearing   ☐ Oral Order granting ☐ Oral Order denying

☐ Arraignment and Detention set _____   ☐ Temp Detention Order Pending Hearing

☐ Order setting conditions of release   ☐ PR Bond executed

☐ Dft signed Waiver of Detention Hearing.

☑ Defendant remanded to the custody of the United States Marshal.

☐ Dft motion _____

☐ Gvt motion _____

☐ Defendant failed to appear   ☐ oral order for arrest warrant;   ☐ bond forfeited

☐ Court adjourned.

ARRAIGNMENT

☐ Interpreter sworn   ☐ Initial Appearance held 7/11/17 _____

☑ Arraignment held   ☑ Arraignment called   ☐ Arraignment reset: _____

☑ Dft   ☑ sworn

☑ Dft   ☐ Prob violator ☐ Super Rel violator appears: ☑ with ☐ w/o cnsl ☐ pro se ☐ Cnsl appears on behalf of deft

☑   Completed Financial Affidavit __DENISE BENSON_____ appointed.

☐   Arraignment RESET to:_____

☐   Dft   ☐ sworn

         ☐ received copy of charges   ☐ discussed charges with counsel   ☐ charges read

         ☐ waived reading of charges

Dft enters a plea of ☑ not guilty   ☐ guilty   ☐ nolo   ☐ guilty - lesser

to counts: ☑ 1 ☑ 2 ☑ 3 ☑ 4 ☑ 5 ☑ 6 ☑ 7 ☑ 8 ☑ 9 ☑ 10 ☑ 11 ☑ 12 ☑ _13-21_____

☑ all counts; ☑ indictment includes forfeiture

☑   Pretrial Discovery and Inspection Order entered. Case set for final pretrial conference / jury selection and trial setting on
     JUDGE CRONE, SEPTEMBER 5, 2017 AT 9:00AM IN PLANO, TEXAS

DETENTION HEARING

☑   Dft ☐ Prob violator ☐ Super Rel violator appears ☑ with ☐ w/o cnsl ☐ pro se ☐ Cnsl appears on behalf of deft

☐   Government announced ready.   ☐ Govt ORAL Motion to withdraw Motion for Detention   ☐ Granted ☐ Denied

☐   Dft ORAL Motion to continue Detention Hearing   ☐ Granted ☐ Denied

☑   Government moves to DETAIN   ☑ Government orally requests continuance   ☑ Granted   ☐ Denied

☐   Defendant requests continuance of detention hearing

☑   RESET Detention Hrg to: __FRIDAY, JULY 14, 2017 AT 10:00AM BEFORE JUDGE NOWAK__

☐   Defendants announced ready.   ☐ Detention Hearing waived and remanded to USMO

☐   Presumption Case   ☐ Conditions of Release entered and Dft released from custody

☐   Government witnesses: ☐   Defendant witnesses:

☐   PROCEEDINGS:

Court determines to ☐ DETAIN   ☐ RELEASE ☐ Order setting conditions of release entered and Dft released   ☐ Bond executed

☐   Order of Detention   ☑   Defendant remanded to custody of U.S. Marshal.